

**REQUEST FOR FILING CONTINUATION/DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

22387 U.S. PTO  
10/731739



121003

(a)	Full Name	John P. Carulli
(b)	Full Name	Randall D. Little
(c)	Full Name	Robert R. Recker
(d)	Full Name	Mark L. Johnson

- [X] The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- [ ] This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

- (a) Full Name \_\_\_\_\_
- (b) Full Name \_\_\_\_\_
- (c) Full Name \_\_\_\_\_

- [ ] This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

- (a) Full Name \_\_\_\_\_
- (b) Full Name \_\_\_\_\_
- (c) Full Name \_\_\_\_\_

- [X] Applicant(s) suggests Figure 4 for inclusion on the front page of the patent application publication and/or patent.
- [X] Applicant(s) requests that the published application include the following assignment information: Genome Therapeutics Corporation, 100 Beaver Street, Waltham, Massachusetts 02453 and Creighton University, 2500 California Plaza, Omaha, Nebraska 68178.
1. [ ] Enclosed is a copy of the prior Application No.    as originally filed on   , including copies of the specification, claims, drawings and the executed oath or declaration as filed.
  2. [X] Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. The revised application incorporates amendments entered in the parent application and a revised recitation of the claim to priority. The revised application further includes revised drawings and amendments to the specification to conform the brief description of the drawings in the specification to the labeling of views in the drawings. No new matter has been added to the revised application.
  3. [ ] Small entity status is hereby claimed.
  4. [ ] The filing fee is calculated below [ ] and                                 .

C L A I M S					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$770.00 (1001)
Total Claims		MINUS 20 =		× \$18.00 (1202) =	
Independent Claims		MINUS 3 =		× \$86.00 (1201) =	
If multiple dependent claims are presented, add \$290.00 (1203)					
Total Application Fee					
If small entity status is claimed, subtract 50% of Total Application Fee					
Add Assignment Recording Fee of \$ <u>\$40.00 (8021)</u> if Assignment document is enclosed					
<b>TOTAL APPLICATION FEE DUE</b>					

5. [X] This application is being filed without a filing fee. **Issuance of a Notice to File Missing Parts of Application is respectfully requested.**
6. [ ] Charge \$                  to Deposit Account No. 02-4800 for the fee due.
7. [ ] A check in the amount of \$                  is enclosed for the fee due.


8. ☐ The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
9. ☐ Cancel in this application original claims \_ of the prior application before calculating the filing fee.
10. ☐ New drawings are enclosed.
11. ☐ Priority of Application No. \_ filed on \_ in \_ (country) is claimed under 35 U.S.C. § 119.
- ☐ The certified copy of the priority application
- ☐ is enclosed.
- ☐ was filed on \_ in prior Application No. \_, filed on \_, and acknowledged by the Examiner on \_ in Paper No. \_.
- ☐ has not yet been filed.
12. ☐ A preliminary amendment is enclosed.
13. ☒ An Information Disclosure Statement is enclosed.
14. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.
15. ☒ Also enclosed is a paper copy of the Sequence Listing and Request to Use Computer Readable Form of the Sequence Listing from Parent Application.
16. ☒ The power of attorney in the prior application is to Mercedes K. Meyer, Reg. No. 44,939, Nina L. Pearlmutter, Reg. No. 35,639, Robert L. Spadafora, Reg. No. 46,197 and Teresa Stanek Rea, Reg. No. 30,427.
- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Recognize as Patent Agent Christopher L. North, Reg. No. 50,433.

- d. ☒ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
Customer Number: **2 1 8 3 9**  
P.O. Box 1404  
Alexandria, Virginia 22313-1404

Date: December 10, 2003

By:

  
\_\_\_\_\_  
Christopher L. North, Ph.D.  
Registration No. 50,433

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

☐ inventor(s)  
☐ assignee of complete interest  
☐ attorney or agent of record  
☒ filed under 37 C.F.R. § 1.34(a)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**REQUEST FOR FILING CONTINUATION/DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)**

# MAIL STOP PATENT APPLICATION

**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

Customer No. **2 1 8 3 9**

Sir:

This is a request for filing a [ ] continuation [X] divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 09/544,398 filed on April 5, 2000, for HIGH BONE MASS GENE OF 11q13.3, by the following named inventor(s):

- |     |           |                   |
|-----|-----------|-------------------|
| (a) | Full Name | John P. Carulli   |
| (b) | Full Name | Randall D. Little |
| (c) | Full Name | Robert R. Recker  |
| (d) | Full Name | Mark L. Johnson   |

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BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
Customer Number: **2 1 8 3 9**  
P.O. Box 1404  
Alexandria, Virginia 22313-1404

Date: December 10, 2003

By: 

Christopher L. North, Ph.D.  
Registration No. 50,433

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

- ☐ inventor(s)  
☐ assignee of complete interest  
☐ attorney or agent of record  
☒ filed under 37 C.F.R. § 1.34(a)